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tary conditions, when directed so to do by the health commissioner, or violates any of the provisions of this ordinance or who refuses to comply with any of the requirements hereof, shall, upon conviction, be fined not less than \$10 or more than \$100 for each offense. Any person licensed under the provisions of this ordinance who refuses or fails to comply with the requirements thereof may have his license revoked by the mayor upon recommendation of the commissioner of health.

SEC. 9. An ordinance entitled "An ordinance regulating the sale of dairy products," passed November 4, 1907, and an amendment to such ordinance passed May 12, 1913, is hereby repealed.

### MUSKOGEE, OKLA.

#### Milk and Milk Products—Production, Care, and Sale. (Ord. 948, May 26, 1914.)

SECTION 1. The city chemist of the city of Muskogee shall be ex officio milk and dairy inspector.

SEC. 2. It shall be the duty of the milk and dairy inspector to see that all the laws relating to the inspection of milk and dairies are enforced, and shall perform all the duties required of him by the laws of this city and the orders of the city health officer. He shall make monthly written reports of the work done in his department to the city council and the city health officer.

SEC. 3. The sanitary officers of the city of Muskogee shall be the assistant milk and dairy inspectors.

SEC. 4. *Application for and issuance of permit, amount of fee.*—Each person, firm, or corporation desiring to sell or in any manner dispose of milk from three or more cows within the city of Muskogee shall before engaging in such business or within 30 days from the date of the passage of this ordinance make application to the office of the milk and dairy inspector for a permit for that purpose, and shall furnish him a certificate in writing of the number of cows used in the production of such milk and the location of the barns, sheds, and stalls and the premises in which said cows are kept, fed, and milked. And it shall be the duty thereupon of the inspector, or his assistants, to inspect the barns, sheds, stalls, and premises so reported, and if it be ascertained by said inspector that said barns, sheds, stalls, and premises are properly constructed and sanitary, and, as hereinafter provided, that said cows are free from injury or disease, it shall be the duty of said inspector to issue a permit to the applicant to sell milk in the city. Said applicant shall immediately notify the inspector, in writing, when any additional cows are added to his, her, or its herd. The applicant shall at any time upon written notice from the city health officer furnish a statement, under oath, from a competent and authorized veterinarian, showing that his cows are entirely free from injury or disease.

SEC. 5. *Procedure when cows are not owned by dairyman—Also provides for additional permit.*—Each person, firm, or corporation who desires to sell or dispose of any milk in any way in the city of Muskogee, where said milk is not produced from cows owned by him, her, or it, shall before engaging in such business or within 60 days from this date make application to the milk and dairy inspector, or such other person who may be designated by the council for a permit for that purpose and shall furnish him with a certificate in writing from a qualified veterinarian, sworn to and subscribed before any person qualified to administer oaths, showing that said cows are free from all injuries or disease that would affect the milk, especially any disease that is communicable to man or which produces elevation of systematic temperature, such as tuberculosis (determined by tuberculin test), anthrax, Texas fever, pneumonia, tarpurient apoplexy (milk fever), malignant catarrh, and all such diseases: *Provided*, That when any person, firm, or corporation dealing in milk sold or disposed of in any way to him, her, or it, by any person, firm, or corporation who has obtained a permit under the fourth section of this ordinance as to such milk, a copy of such permit may be presented

to the milk and dairy inspector, and shall be by him accepted in lieu of the veterinarian's certificate required above. Any person, firm, or corporation obtaining a permit under this ordinance must obtain additional, new, or fresh certificate or certificates of veterinarian at any time on demand of the milk and dairy inspector, and, upon failure within 10 days after demand in writing from said inspector to furnish new or fresh certificate, the permit provided for in this ordinance shall be ipso facto forfeited.

SEC. 6. *Permit, license, renouncement by council.*—The issuance of the permit by the milk and dairy inspector shall not create a vested right to do business in the city. The city council hereby reserves the right to revoke the same at any time upon the failure or neglect of the party obtaining the same to comply with the terms, provisions, and requirements of the ordinance. Regulations shall be made from time to time by the inspector and board of health as they may deem advisable.

SEC. 7. *Penalty for sale without permit.*—Any person, firm, or corporation who sells or disposes of milk in any way in the city of Muskogee produced from cows not included in the permit as provided for in this ordinance, or from cows, whether so included or not, which are not kept, fed, or milked in barns, sheds, stall, or premises included in a permit as provided for in this ordinance shall be punished as hereinafter provided.

SEC. 8. *Grade of milk.*—No person, firm, or corporation shall sell, barter, or offer for sale or barter within the city any milk which contains more than 87.5 per cent of water, or less than 3.5 per cent of butter fat, and the specific gravity of which at 60° F. shall be between 1.029 and 1.033; all milk of lower grade and quality than specified in this ordinance shall be taken and condemned as adulterated and impure by the milk and dairy inspector or his assistants and the vendor thereof punished: *Provided*, That no person shall dispose of or sell any milk from any cow until at least 10 days after the date when said cow shall have calved.

SEC. 9. *Skimmed milk.*—It shall be unlawful for any person, firm, or corporation to sell or dispose of in any way, or to have in custody with the intention of selling, or expose or offer for sale as whole milk any milk from which the cream or any part thereof has been removed, and all such milk from which the cream or any part thereof has been removed shall be plainly labeled and marked "skimmed milk."

SEC. 10. *Grade of cream.*—No person, firm, or corporation shall sell, barter, or offer for sale within the city any cream which contains less than 18 per cent of butter fat, and all cream of lower grade and quality than that shall be taken and condemned as adulterated and impure by the dairy and milk inspector or his assistants.

SEC. 11. *Grade of butter.*—It shall be unlawful to sell or barter or offer for sale or barter within this city any butter that is not made from pure milk or cream; the same shall be free from all chemicals and adulterations and shall comply in all respects with the requirements of the pure-food laws of the United States of America.

SEC. 12. *Grade of skimmed milk.*—Skimmed milk or separated milk that is sold, bartered, or offered for sale or barter within this city shall contain not less than 9 per cent of milk solids exclusive of butter fat, and shall be plainly labeled "skimmed milk," and all buttermilk shall contain not less than 8.5 per cent of milk solids, exclusive of butter fat, and all such milk of lower grade and quality than specified in this section shall be taken and condemned as adulterated and impure by the milk and dairy inspector or his assistants.

SEC. 13. *Adulteration of milk.*—It shall be unlawful to add to milk intended for sale or barter in this city any chalk, borax, salicylate of soda, or other preservative, ice, water, or other substance of fluid, and it shall be unlawful to sell or barter or offer for sale or barter any milk which has been added to or adulterated as aforesaid or any impure, adulterated, or unwholesome milk, and the milk and dairy inspector shall condemn and destroy such milk.

SEC. 14. *Tuberculin test.*—No person, firm, or corporation shall sell or in any manner dispose of milk or cream in this city produced from cows which have not been

tested by the milk and dairy inspector or a qualified veterinarian with tuberculin for tuberculosis, and certificate furnished by such aforesaid veterinarian, after July 1, 1914, and such test prescribed shall be made at least once each year before July 1: *Provided*, That the official test of the State or the United States Government be recognized; that is, where the State or the United States Government has tested an animal such test shall be recognized in the city of Muskogee for a period of one year from the date of such testing.

SEC. 15. *Inspector's right to enter and make test.*—The inspector, or his assistants, shall have the right at any time to enter, examine, and inspect any dairy, the owner of which sells or in any manner disposes of milk in the city of Muskogee, and to examine, inspect, and test for disease any cow connected with or belonging to the owner or proprietor of such dairy. For any interference with or hindrance of the said inspector or assistants by the owner, proprietor, or agents, the permit provided for by this ordinance shall be upon conviction in police court ipso facto forfeited; any person so hindering or preventing said inspector or assistants from making such inspection shall be punished as hereinafter provided.

SEC. 16. *Diseased cows.*—It shall be unlawful to sell, barter, or offer for sale or barter within this city milk from cows suffering from injury or disease which would affect the milk, especially diseases which are communicable to man or produce elevation of systematic temperature, such as tuberculosis, anthrax, Texas fever, pneumonia, purtient apoplexy (milk fever), malignant catarh, and all such diseases.

SEC. 17. *Tagging cows inspected.*—No milk shall be used from a dairy, the owner of which sells or in any manner disposes of milk in this city, unless such cows have been tested by the milk and dairy inspector, or his assistants, with tuberculin for tuberculosis, or by some qualified veterinarian satisfactory to said inspector: *Provided*, The Government or State test shall be recognized as provided for in section 14. All cows so tested shall be marked in the ear with a tag bearing a serial number and the words "Muskogee, Okla.," and such cow may be retested as aforesaid as often as the inspector may deem necessary. And it shall be unlawful to sell or in any manner dispose of milk in this city from any cow which has not been so tested.

SEC. 18. *Inspector's power to make inspection of dairies.*—The milk and dairy inspector or his assistants shall have the right to enter and examine any place within this city where milk is sold, bartered, or offered for sale or barter, and to inspect and examine at any time and any place any of said milk, and said inspector and inspectors are hereby given police power and authority.

SEC. 19. *Prohibition of certain food for cows.*—Dairy cows producing milk for the Muskogee market shall not be fed distillery waste, "swill," or any substance in a state of putrefaction or rottenness, or any other substance that is unwholesome, or that will in any way affect the healthfulness of their cow; and any person, or firm, or corporation who sells milk in the city of Muskogee produced from cows fed on the above-described substance shall be punished as hereinafter provided.

SEC. 20. *Cows to run in open air and premises drained, etc.*—Each cow used in the production of milk for sale or disposal under this ordinance in the city of Muskogee shall be allowed free movement in the open air at least six hours each day, and the barns, sheds, stalls, or premises in which the cows are kept, fed, and milked shall be properly drained, lighted, ventilated, and cleaned, as per instructions of the inspector.

SEC. 21. *Procedure where cows have disease.*—If upon inspection as provided for in this ordinance, it is ascertained that any milk cow kept, owned, or used in any dairy, or on the premises of any dairyman who sells or otherwise disposes of milk in this city, has the disease of tuberculosis, it shall be the duty of said inspector or assistants to notify the owner: *Provided*, That the owner of any cow so found to have the disease of tuberculosis shall have the right to call a competent veterinarian who, together with the said inspector, shall select a third person, and the three shall reexamine said cow or cows, and if a majority of those examining find that said cow or cows is or are

so diseased, the same shall be disposed of as hereinafter provided. And should a majority not so find then the said cow or cows shall not be so disposed of.

SEC. 22. It shall be the duty of the owner upon receiving notice from the said inspector that any cow belonging to him or her and used in the dairy, or kept on his or her premises, is diseased with tuberculosis, to immediately stop using the milk from said cow and either kill or quarantine her, and keep her quarantined until said animal shall either be killed or found to be nontuberculous by the inspector.

SEC. 23. If any owner of a dairy shall fail to kill or quarantine a tuberculosis cow upon receipt of notice from the milk and dairy inspector or his assistants, or if the produce of any cow kept, fed, or milked in any barn, stable, or other place with any tuberculous cow is offered for sale or sold in the city of Muskogee such owner or person shall be punished as hereinafter provided.

SEC. 24. Upon disposing of any diseased cow the owner shall at once notify the inspector in writing what disposition has been made of said cow.

SEC. 25. *Conditions of wagons used—No waste hauled, etc.*—Each wagon used in the delivery of milk shall have the name of the owner or proprietor, and the number of the permit under which the business is conducted, painted thereon in prominent letters. All such wagons shall be provided with covers and shall be neat and clean, the interior of such wagon being scrubbed with soap and hot water at least twice per week. The wagons shall be kept neatly painted. No vegetable or waste products shall at any time be hauled in any wagon used for the transportation of milk.

SEC. 26. All applications for license to establish and conduct a dairy depot shall be approved by the milk and dairy inspector or before such license is issued. Any person, firm, or corporation desiring to conduct a dairy depot, restaurant, or other place through which milk is delivered and sold in this city shall apply to the city clerk, who shall, upon the approval of the milk and dairy inspector, issue a permit. Said permit to be issued on or before July 1 of each year and to expire on June 30 of the following year.

SEC. 27. *Premises and equipment to be sanitary, etc.—Illness of family or employee.*—Any person, firm, or corporation conducting a dairy depot, restaurant, or other place in which milk or its products is sold or otherwise disposed of in this city shall at all times maintain such place in a strictly sanitary condition, to be open for inspection at all times during business hours. All ice boxes and refrigerators in which milk is kept shall be and remain in a sanitary condition, being scrubbed at least once in each week, said boxes and refrigerators to be drained according to the direction of the inspector. There shall be no closets, hog pens, or quarters for animals or fowls closer than 100 feet from said dairy depot or place where milk is sold: *Provided*, This shall not apply to a water-closet properly connected with the city sewerage system and maintained in a clean, sanitary condition.

Any person conducting a dairy depot or restaurant shall report within 24 hours to the superintendent of health any illness of any kind whatsoever occurring in his family or among his employees, or any person connected with the business in any way, giving name and address of attending physician. The health officer shall have the power to suspend temporarily the business of any such place if he deems such action necessary to protect the public health against the infection from such case of illness.

SEC. 28. *Rules.*—In addition to the rules and regulations hereinbefore set out, all persons, firms, or corporations selling or offering to sell milk in this city shall observe and comply with the following requirements:

(1) No milk shall be bottled except at a dairy or properly equipped dairy depot, and all milk receptacles shall be kept when not in use free from dirt and flies.

(2) No milk shall be strained in a barn or other place where the milk will be liable to become contaminated.

(3) All milk offered for sale within the city of Muskogee shall be cooled to a temperature not greater than 70° F. after milking.

(4) Dairy cattle shall be prohibited from running on pastures that contain streams, ponds, or other water that shall be found contaminated with sewage.

(5) Every cow shall have the teats and udder well cleaned before each milking and all milkers shall wear at each milking overalls or clothes that are clean; each milker shall clean his or her hands thoroughly with soap or water immediately before milking.

(6) No milk shall be sold which contains more than 400,000 bacteria per cubic centimeter, and dairymen whose milk shall be found continually contaminated with pathogenic germs shall be suspended from selling milk in the city and not licensed to sell milk without the permission of the inspector. No milk shall be sold which has been pasteurized that contains more than 10,000 bacteria per cubic centimeter, and such pasteurized milk shall not be repasteurized for the purpose of lowering the number of bacteria or for preserving purposes.

(7) Every dairyman shall be required to keep his barn and lot where same is located free from manure, droppings from the cows being gathered once daily, piled in an inclosure not closer than 100 feet from the dairy barn, milk house, or source of water supply, and said lot and barn shall also be kept free from stagnant water and other objectionable material.

(8) Each dairy shall be provided with a properly constructed milk house, provided with wire screens for doors and windows, and shall not be used for any other purpose than handling milk or milk products; said milk house shall be so constructed that bottles, cans, and other utensils used in handling milk may be washed and drained, and that said milk house shall be properly drained in such a manner that a pool of water can not form within 100 feet of milk house, barn, or water supply.

(9) No milk shall be sold or offered for sale by any restaurants, hotels, or other public eating houses which contains less than 3.5 per cent butter fat unless a sign is displayed reading "Skimmed milk served here"; said sign to be displayed so as to be read from any part of the room in which the milk is served.

SEC. 29. *Milk to be bottled.*—It shall be unlawful on and after the passage of this ordinance for any retail dairyman or merchant to sell milk, when delivering the same in wagons over the city, in any way whatsoever except in glass bottles, well and securely stoppered when it leaves the dairy and not removed from them until delivered: *Provided*, That this section does not apply to restaurants, hotels, hospitals, and bakeries, so far as purchasing milk in bulk is concerned: *Provided further*, That this section shall not apply where milk is being delivered to houses where there are infectious diseases, and all persons receiving milk on any such premises shall furnish proper receptacles into which the milk shall be poured.

SEC. 30. *What constitutes a dairy or dairy depot.*—All persons, firms, or corporations owning or using milk from three or more cows who sell or barter, or offer for sale or barter, any milk within this city, shall under the provisions of this ordinance be considered and be a dairy; and all persons, firms, or corporations retailing milk by wagon or other vehicle shall under the provisions of this ordinance be considered and be held a dairy or dairy depot, and fall within the scope and meaning of this ordinance.

SEC. 31. *Fees to be paid.*—Each and every dairy using a wagon for the distribution of its products shall pay a license fee of \$5 per year, and where more than one wagon is used the sum of \$2.50 additional for each wagon; said money to be paid to the commissioner of finance and said license to be issued by him.

SEC. 32. The inspection of dairies as provided in this ordinance shall take place quarterly and as often as deemed necessary by the inspector.

SEC. 33. *Provided, however,* That nothing in this ordinance shall be intended to do away with the inspection and examination for tuberculosis of any cow whose milk is sold or bartered, or offered for sale or barter, in this city, and it shall be the duty of the inspector to see that every cow whose milk is sold or bartered, or offered for sale or barter, in this city is given a test for tuberculosis, as provided in this ordinance.

SEC. 34. *Penalty for violation.*—Every person, firm, or corporation violating any provision of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction in police court shall be fined not less than \$10 nor more than \$100 for each offense, and the license of such convicted person, firm, or corporation may be revoked.

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